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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,786	07/03/2003	Frederick Thomas Pearson		7005

7590 03/23/2004

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EXAMINER
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THOMSON, MICHELLE R

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/613,786	Applicant(s) PEARSON, FREDERICK THOMAS	
	Examiner Michelle (Shelley) Thomson	Art Unit 3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 23. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 33, 39.
3. The drawings are objected to because reference 35 in Figure 6 does not show a "release button" as disclosed on page 13 line 3.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and **generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited.** The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure

sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Where the written description only implicitly or inherently sets forth the structure, materials, or acts corresponding to a means-plus-function, applicant must clarify the disclosure to explicitly state, with reference to the terms and phrases of the claim element, what structure, materials, or acts perform the function recited in the claim elements and equivalents thereof. (See MPEP 2181). Correction of the following is required: applicant must clarify the disclosure to explicitly state, with reference to the terms and phrases of the claim element, what structure, materials, or acts perform the connection means recited in the claim elements and equivalents thereof.

#### ***Claim Objections***

6. Claims 1-19 are objected to because of the following informalities: In Claim 1, line 8; Claim 10, line 7; and claim 19, line 7: "an conductive" should apparently be --a conductive--. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 2, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Ward (US Patent # 4,719,534). Ward discloses a shock device comprising a handle (reference 12) comprising a power source (reference 62) electrically connected to a voltage step-up circuit having an output of stepped-up voltage relative to the power source (column 4, lines 25-40), a first tube section (reference 14') having a base section connected to the handle and a distal end (Figure 1), at least one additional tube section (references 14'' and 14''') having a proximal end and a distal end and being disposed within the first tube section (column 2, lines 35-53), and having an interlocking flange structure (i.e. connection means) (reference 82) to connect to the first tube section, said distal end comprising a conductive probe (references 16 and 16'), for delivering a high-voltage shock, electrically connected to the output of the step-up circuit (column 4, lines 1-25), and an extension spring (i.e. deployment means) (reference 48) to extend the at least one additional tube section from its position as being disposed within the first tube section to an extended position whereby the connection means connects the distal end of the first tube section to the proximal end of the at least one additional tube section (Figures 4 and 5). (Claim 2) The outer diameter of the proximal end of the at least one additional tube section is slightly smaller in diameter than the inner diameter of the distal end of the first tube section (column 2, lines 40-53). (Claim 8) The conductive probe is electrically connected to the output of the step-up circuit through one or more wires (reference 66) contained internally within the first tube section and the at least one additional tube section. (Claim 9) The conductive probe extends from the distal end of the at least one additional tube section (Figures 1, 4 and 5).

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9. Claims 10, 14, 17, 18, and 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Kenney (US Patent # 4,167,036). Kenney discloses a shock device comprising a first tube section (reference 132) that may comprise a power source (reference 11e-g) electrically connected to a voltage step-up circuit having an output of stepped-up voltage relative to the power source (Figures 1 and 18), the first tube section having a base section and a distal end (Figure 22), at least one additional tube section (reference 131) having a proximal end and a distal end and being disposed within the first tube section (the at least one additional tube section may comprise a power source electrically connected to a voltage step-up circuit (Figure 15)), and having a connection means (references 106 and 107) to connect to the first tube section, said distal end comprising a conductive probe (references 64 and 65; and 114 and 115), for delivering a high-voltage shock, electrically connected to the output of the step-up circuit, and deployment means to extend the at least one additional tube section from its position as being disposed within the first tube section to an extended position whereby the connection means connects the distal end of the first tube section to the proximal end of the at least one additional tube section (column 8, lines 1-26). (Claim 14) The outer diameter of the proximal end of the at least one additional tube section is slightly smaller in diameter than the inner diameter of the distal end of the first tube section to allow the telescoping members to be disposed within the first tube section (Figures 15 and 22). (Claim 17) The conductive probe is electrically connected to the output of the step-up circuit through one or more wires contained internally within the first tube section and the at least one additional tube section (the circuits of figures 1 and 18 contain wires). (Claims 9 and 18) The conductive probe extends from the distal end of the at least one additional tube section (Figures 15 and 22).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward as applied to claim 1 above, and further in view of Hamilton (US Patent # 4,819,137). Although Ward does not expressly disclose the tube sections tapered, Hamilton does. Hamilton teaches a telescoping self defense device wherein a first tube section (reference 26) is tapered along its entire length, the large end of the taper being at the base of the first tube section, and the at least one additional tube section (reference 24 and 28) is tapered whereby the outer diameter of the proximal end of the at least one additional tube section is slightly smaller in diameter than the inner diameter of the distal end of the first tube section in order that the members maintain a friction fit thereby preventing the inner member from slipping out of the outer member (column 3, lines 30-68). Ward and Hamilton are analogous art because they are from the same field of endeavor: telescoping defense devices. Therefor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the tapered tube sections as taught by Hamilton with the safety device as taught by Ward. The suggestion/motivation for doing so would have been to obtain a safety device that was easier to manufacture.

12. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenney as applied to claim 10 above, and further in view of Hamilton. Although Kenney does not expressly disclose the tube sections tapered, Hamilton does. Hamilton teaches a telescoping self

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defense device wherein a first tube section (reference 26) is tapered along its entire length, the large end of the taper being at the base of the first tube section, and the at least one additional tube section (reference 24 and 28) is tapered whereby the outer diameter of the proximal end of the at least one additional tube section is slightly smaller in diameter than the inner diameter of the distal end of the first tube section in order that the members maintain a friction fit thereby preventing the inner member from slipping out of the outer member (column 3, lines 30-68).

Kenney and Hamilton are analogous art because they are from similar problem solving areas: elongated telescoping devices. Therefor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the tapered tube sections as taught by Hamilton with the shocking device as taught by Kenney. The suggestion/motivation for doing so would have been to obtain a shocking device that was easier to manufacture.

13. Claims 1, 5-7, and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (US Patent # 6,091,597) and Henderson et al. (US Patent # 3,998,459). Lin discloses a shock device comprising a handle (or first tube section) (reference 4) comprising a power source (column 3, lines 10-14) electrically connected to a high voltage generator, a first tube section (reference 5A) having a base section connected to the handle and a distal end, at least one additional tube section (references 5B and 5C) having a proximal end and a distal end and being disposed within the first tube section (column 3, lines 14-25), and having a connection means to connect to the first tube section, said distal end comprising a conductive probe (references 53, 53'), for delivering a high-voltage shock, electrically connected to the output of the high voltage generator (column 3, lines 1-25), and deployment means (column 3, lines 14-20) to extend the at least one additional tube section from its position as being disposed within the first tube section



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to an extended position whereby the connection means connects the distal end of the first tube section to the proximal end of the at least one additional tube section (Figure 5). (Claims 5 and

11) The device comprising a first conductive lead (references 51 and 51'), placed along the length of the exterior of the first tube section, electrically connected to the output of the circuit.

(Claims 6 and 12) The device further comprising a second conductive lead being placed along the length of the exterior of the at least one additional tube section (references 52 and 52').

(Claims 7 and 13) The conductive probe is electrically connected to the output of the circuit through the first conductive lead (column 3, lines 14-65). Although Lin does not expressly disclose the high voltage generator comprising a voltage step-up circuit having an output of stepped-up voltage relative to the power source, Henderson et al. does. Henderson et al. teaches that it is well know to use a step-up transformer to convert a direct low voltage source to a high voltage (column 2, lines 9-25) for use in shocking devices. Lin and Henderson et al. are analogous art because they are from the same field of endeavor: electric shocking devices. Therefor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the step-up transformer as taught by Henderson et al. with the shock device as taught by Lin. The suggestion/motivation for doing so would have been to obtain a shocking device that would work on easily obtain low-voltage batteries.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Henderson et al. (US Patent # 4,092,695), Kenney (US Patent # 4,048,218), and Rothschild (US Patent # 5,457,597), which are cited to show related shocking devices.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle (Shelley) Thomson whose telephone number is 703.306.4176. The examiner can normally be reached on Monday thru Thursday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703.306.4198. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mrt

A handwritten signature in black ink, appearing to read "M. Thomson". The signature is stylized with a large, looped initial "M" and a trailing flourish.